

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CABELA'S INC.,

Plaintiff,

v.

KELORA SYSTEMS, LLC,

Defendant.

No. C 11-1398 CW

ORDER REGARDING  
MOTION OF CABELA'S  
INC., NEBRASKA  
FURNITURE MART,  
INC. AND NEWEGG  
INC. TO FILE UNDER  
SEAL THE  
DECLARATION OF RAY  
R. LARSON

KELORA SYSTEMS, LLC,

Plaintiff,

v.

TARGET CORPORATION; OFFICEMAX  
INCORPORATED; ROCKLER COMPANIES,  
INC.; 1-800-FLOWERS.COM, INC.;  
AMAZON.COM, INC.; DELL, INC.;  
OFFICE DEPOT, INC.; NEWEGG INC.;  
COSTCO WHOLESALE CORPORATION;  
HEWLETT-PACKARD COMPANY;  
CIRCUITCITY.COM INC; AUDIBLE,  
INC.; and ZAPPOS.COM, INC.,

Defendants.

OFFICEMAX INCORPORATED.,

Third-Party Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED,

Third-Party Defendant.

No. C 11-1548 CW

NEBRASKA FURNITURE MART, INC.,

No. C 11-2284 CW

Plaintiff,

v.

KELORA SYSTEMS, LLC,

Defendant.

\_\_\_\_\_  
AND ALL RELATED COUNTERCLAIMS  
\_\_\_\_\_

Pursuant to Local Rule 79-5(d), Plaintiffs and Counterclaim-Defendants Cabela's Inc. and Nebraska Furniture Mart, Inc. and Defendant and Counterclaim-Plaintiff Newegg Inc. move for an order sealing the Declaration of Ray R. Larson submitted in connection with their Motion for Summary Judgment of Invalidity and Non-Infringement.

Movants base their request in part on their statement that a third-party, Endeca, considers information contained or referred to in the declaration to be proprietary and confidential. However, Endeca has not filed a declaration in support of sealing this information, as required by Local Rule 79-5(d).

Nevertheless, it is not clear that Endeca has been served with or otherwise notified of the motion to seal. Thus, the Court reserves judgment as to whether to seal the declaration. Within seven days of the date of this order, Movants shall serve Endeca with the motion to seal the declaration and this order, and file proof that they have done so. In the event that Endeca seeks to seal the information, it shall file a declaration in support of the motion to seal within fourteen days of the date of this order.

1 The declaration must provide good cause to seal in light of Local  
2 Rule 79-5 and applicable law.

3 Movants also base their request to file the declaration under  
4 seal on their assertion that the declaration contains or refers to  
5 materials that Movants have designated as "Confidential" or  
6 "Highly Confidential - Attorneys' Eyes Only" under the Protective  
7 Order in effect in these cases. However, Movants rely on a  
8 blanket protective order and do not provide information  
9 establishing that the document, or portions thereof, is privileged  
10 or protectable as a trade secret or otherwise entitled to  
11 protection under the law, as required under Local Rule 79-5(a).  
12 As such, Movants have not provided sufficient information to  
13 support the filing of the document under seal at this time.

14 Movants shall be permitted four days from the date of this  
15 order to provide additional information to conform with Local Rule  
16 79-5. If Movants fail to do so, their motion will be denied, to  
17 the extent that it is based on their conclusory statement.  
18 Filings made hereunder may not exceed five pages, excluding  
19 declarations and exhibits.

20 IT IS SO ORDERED.

21  
22 Dated: 9/27/2011

23   
24 CLAUDIA WILKEN  
25 United States District Judge  
26  
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